



General Assembly

**Substitute Bill No. 5071**

February Session, 2014



**AN ACT CONCERNING CIVIL ACTIONS AGAINST AN EMPLOYER  
FOR FAILURE TO PAY WAGES OR COMPENSATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-72 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 When any employer fails to pay an employee wages in accordance  
4 with the provisions of sections 31-71a to 31-71i, inclusive, or fails to  
5 compensate an employee in accordance with section 31-76k or where  
6 an employee or a labor organization representing an employee  
7 institutes an action to enforce an arbitration award which requires an  
8 employer to make an employee whole or to make payments to an  
9 employee welfare fund, such employee or labor organization [may]  
10 shall recover, in a civil action, (1) twice the full amount of such wages,  
11 with costs and such reasonable attorney's fees as may be allowed by  
12 the court, [and any] or (2) if the employer establishes that the employer  
13 had a good faith belief that the underpayment of wages was in  
14 compliance with law, the full amount of such wages or compensation,  
15 with costs and such reasonable attorney's fees as may be allowed by  
16 the court. Any agreement between [him] an employee and his or her  
17 employer for payment of wages other than as specified in said sections  
18 shall be no defense to such action. The Labor Commissioner may  
19 collect the full amount of any such unpaid wages, payments due to an

20 employee welfare fund or such arbitration award, as well as interest  
21 calculated in accordance with the provisions of section 31-265 from the  
22 date the wages or payment should have been received, had payment  
23 been made in a timely manner. In addition, the Labor Commissioner  
24 may bring any legal action necessary to recover twice the full amount  
25 of unpaid wages, payments due to an employee welfare fund or  
26 arbitration award, and the employer shall be required to pay the costs  
27 and such reasonable attorney's fees as may be allowed by the court.  
28 The commissioner shall distribute any wages, arbitration awards or  
29 payments due to an employee welfare fund collected pursuant to this  
30 section to the appropriate person.

31 Sec. 2. Section 31-68 of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective October 1, 2014*):

33 (a) If any employee is paid by his or her employer less than the  
34 minimum fair wage or overtime wage to which he or she is entitled  
35 under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair  
36 wage order he [may] or she shall recover, in a civil action, (1) twice the  
37 full amount of such minimum wage or overtime wage less any amount  
38 actually paid to him or her by the employer, with costs and such  
39 reasonable attorney's fees as may be allowed by the court, [and any] or  
40 (2) if the employer establishes that the employer had a good faith belief  
41 that the underpayment of such wages was in compliance with the law,  
42 the full amount of such minimum wage or overtime wage less any  
43 amount actually paid to him or her by the employer, with costs and  
44 such reasonable attorney's fees as may be allowed by the court. Any  
45 agreement between [him] an employee and his or her employer to  
46 work for less than such minimum fair wage or overtime wage shall be  
47 no defense to such action. The commissioner may collect the full  
48 amount of unpaid minimum fair wages or unpaid overtime wages to  
49 which an employee is entitled under said sections or order, as well as  
50 interest calculated in accordance with the provisions of section 31-265  
51 from the date the wages should have been received, had they been  
52 paid in a timely manner. In addition, the commissioner may bring any

53 legal action necessary to recover twice the full amount of the unpaid  
 54 minimum fair wages or unpaid overtime wages to which the employee  
 55 is entitled under said sections or under an order, and the employer  
 56 shall be required to pay the costs and such reasonable attorney's fees as  
 57 may be allowed by the court. The commissioner shall distribute any  
 58 wages or interest collected pursuant to this section to the employee or  
 59 in accordance with the provisions of subsection (b) of this section.

60 (b) All wages collected by the commissioner for an employee whose  
 61 whereabouts are unknown to the commissioner shall be held by the  
 62 commissioner for three months and thereafter the commissioner may,  
 63 in his discretion, pay the same, on application, to the husband or wife  
 64 or, if none, to the next of kin of such employee. As a condition of such  
 65 payment, the commissioner or his authorized representative shall  
 66 require proof of the relationship of the claimant and the execution of a  
 67 bond of indemnity and a receipt for such payment. Notwithstanding  
 68 the provisions of section 3-60b, any such wages held by the  
 69 commissioner for two years without being claimed shall escheat to the  
 70 state, subject to the provisions of sections 3-66a to 3-71a, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	31-72
Sec. 2	October 1, 2014	31-68

**LAB**      *Joint Favorable Subst.*